

- 12. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MARK GREEN OF WISCONSIN, OR HIS DESIGNEE, TO BE DEBATABLE FOR 10 MINUTES.**

25
Muller
John Hostettler

AMENDMENT TO H.R. 10

OFFERED BY

Mr. Green (of Wisconsin) and Mr. Hostettler

(Page and line numbers refer to the Committee Print of the
Committee on Rules dated October 4, 2004)

Page 252, line 18, strike **"DEPORTATION"** and
insert **"REMOVAL"** (and amend the table of contents
accordingly).

Page 258, after line 5, insert the following (and
amend the table of contents accordingly):

1 **SEC. 3034. INADMISSIBILITY DUE TO TERRORIST AND TER-**
2 **RORIST-RELATED ACTIVITIES.**

3 (a) IN GENERAL.—Section 212(a)(3)(B)(i) of the
4 Immigration and Nationality Act (8 U.S.C.
5 1182(a)(3)(B)(i)) is amended to read as follows:

6 " (i) IN GENERAL.—Any alien who—
7 " (I) has engaged in a terrorist
8 activity;
9 " (II) a consular officer, the At-
10 torney General, or the Secretary of
11 Homeland Security knows, or has rea-
12 sonable ground to believe, is engaged
13 in or is likely to engage after entry in



1 any terrorist activity (as defined in
2 clause (iv));

3 “(III) has, under circumstances
4 indicating an intention to cause death
5 or serious bodily harm, incited ter-
6 rorist activity;

7 “(IV) is a representative (as de-
8 fined in clause (v)) of—

9 “(aa) a terrorist organiza-
10 tion; or

11 “(bb) a political, social, or
12 other group that endorses or es-
13 pouses terrorist activity;

14 “(V) is a member of a terrorist
15 organization described in subclause (I)
16 or (II) of clause (vi);

17 “(VI) is a member of a terrorist
18 organization described in clause
19 (vi)(III), unless the alien can dem-
20 onstrate by clear and convincing evi-
21 dence that the alien did not know, and
22 should not reasonably have known,
23 that the organization was a terrorist
24 organization;

1 “(VII) endorses or espouses ter-
2 rorist activity or persuades others to
3 endorse or espouse terrorist activity or
4 support a terrorist organization;

5 “(VIII) has received military-type
6 training (as defined in section
7 2339D(c)(1) of title 18, United States
8 Code) from or on behalf of any orga-
9 nization that, at the time the training
10 was received, was a terrorist organiza-
11 tion under section 212(a)(3)(B)(vi);
12 or

13 “(IX) is the spouse or child of an
14 alien who is inadmissible under this
15 subparagraph, if the activity causing
16 the alien to be found inadmissible oc-
17 curred within the last 5 years,

18 is inadmissible. An alien who is an officer,
19 official, representative, or spokesman of
20 the Palestine Liberation Organization is
21 considered, for purposes of this Act, to be
22 engaged in a terrorist activity.”.

23 (b) ENGAGE IN TERRORIST ACTIVITY DEFINED.—
24 Section 212(a)(3)(B)(iv) of the Immigration and Nation-

1 ality Act (8 U.S.C. 1182(a)(3)(B)(iv)) is amended to read
2 as follows:

3 “(iv) ENGAGE IN TERRORIST ACTIVITY
4 DEFINED.—As used in this subparagraph,
5 the term ‘engage in terrorist activity’
6 means, in an individual capacity or as a
7 member of an organization—

8 “(I) to commit or to incite to
9 commit, under circumstances indi-
10 cating an intention to cause death or
11 serious bodily injury, a terrorist activ-
12 ity;

13 “(II) to prepare or plan a ter-
14 rorist activity;

15 “(III) to gather information on
16 potential targets for terrorist activity;

17 “(IV) to solicit funds or other
18 things of value for—

19 “(aa) a terrorist activity;

20 “(bb) a terrorist organiza-
21 tion described in clause (vi)(I) or
22 (vi)(II); or

23 “(cc) a terrorist organiza-
24 tion described in clause (vi)(III),
25 unless the solicitor can dem-



1 onstrate by clear and convincing
2 evidence that he did not know,
3 and should not reasonably have
4 known, that the organization was
5 a terrorist organization;
6 “(V) to solicit any individual—
7 “(aa) to engage in conduct
8 otherwise described in this
9 clause;
10 “(bb) for membership in a
11 terrorist organization described
12 in clause (vi)(I) or (vi)(II); or
13 “(cc) for membership in a
14 terrorist organization described
15 in clause (vi)(III), unless the so-
16 licitor can demonstrate by clear
17 and convincing evidence that he
18 did not know, and should not
19 reasonably have known, that the
20 organization was a terrorist orga-
21 nization; or
22 “(VI) to commit an act that the
23 actor knows, or reasonably should
24 know, affords material support, in-
25 cluding a safe house, transportation,

1 communications, funds, transfer of
2 funds or other material financial ben-
3 efit, false documentation or identifica-
4 tion, weapons (including chemical, bi-
5 ological, or radiological weapons), ex-
6 plosives, or training—

7 “(aa) for the commission of
8 a terrorist activity;

9 “(bb) to any individual who
10 the actor knows, or reasonably
11 should know, has committed or
12 plans to commit a terrorist activ-
13 ity;

14 “(cc) to a terrorist organiza-
15 tion described in subclause (I) or
16 (II) of clause (vi); or

17 “(dd) to a terrorist organi-
18 zation described in clause
19 (vi)(III), unless the actor can
20 demonstrate by clear and con-
21 vincing evidence that the actor
22 did not know, and should not
23 reasonably have known, that the
24 organization was a terrorist orga-
25 nization.”.



1 (c) TERRORIST ORGANIZATION DEFINED.—Section
2 212(a)(3)(B)(vi) of the Immigration and Nationality Act
3 (8 U.S.C. 1182(a)(3)(B)(vi)) is amended to read as fol-
4 lows:

5 “(vi) TERRORIST ORGANIZATION DE-
6 FINED.—As used in this section, the term
7 ‘terrorist organization’ means an
8 organization—

9 “(I) designated under section
10 219;

11 “(II) otherwise designated, upon
12 publication in the Federal Register, by
13 the Secretary of State in consultation
14 with or upon the request of the Attor-
15 ney General or the Secretary of
16 Homeland Security, as a terrorist or-
17 ganization, after finding that the or-
18 ganization engages in the activities
19 described in subclauses (I) through
20 (VI) of clause (iv); or

21 “(III) that is a group of two or
22 more individuals, whether organized
23 or not, which engages in, or has a
24 subgroup which engages in, the activi-



1 ties described in subclauses (I)
2 through (VI) of clause (iv).”.

3 (d) **EFFECTIVE DATE.**—The amendments made by
4 this section shall take effect on the date of the enactment
5 of this Act and shall apply to—

6 (1) removal proceedings instituted before, on, or
7 after the date of the enactment of this Act; and

8 (2) acts and conditions constituting a ground
9 for inadmissibility occurring or existing before, on,
10 or after such date.

11 **SEC. 3035. DEPORTABILITY OF TERRORISTS.**

12 (a) **IN GENERAL.**—Section 237(a)(4)(B) (8 U.S.C.
13 1227(a)(4)(B)) is amended to read as follows:

14 “(B) **TERRORIST ACTIVITIES.**—Any alien
15 who would be considered inadmissible pursuant
16 to subparagraph (B) or (F) of section
17 212(a)(3) is deportable.”.

18 (b) **DEPORTATION OF ALIENS WHO HAVE RECEIVED**
19 **MILITARY-TYPE TRAINING FROM TERRORIST ORGANIZA-**
20 **TIONS.**—Section 237(a)(4) of the Immigration and Na-
21 tionality Act (8 U.S.C. 1227(a)(4)) is amended by adding
22 at the end the following:

23 “(E) **RECIPIENT OF MILITARY-TYPE**
24 **TRAINING.**—Any alien who has received mili-
25 tary-type training (as defined in section



1 2339D(c)(1) of title 18, United States Code)
2 from or on behalf of any organization that, at
3 the time the training was received, was a ter-
4 rorist organization, as defined in section
5 212(a)(3)(B)(vi), is deportable.”.

6 (c) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall take effect on the date of the enact-
8 ment of this Act and shall apply to acts and conditions
9 constituting a ground for removal occurring or existing be-
10 fore, on, or after such date.

